

REMARKS

Reconsideration of this application, as presently amended, is respectfully requested. Claims 19-54 are now pending in the present application. Claims 19, 20, 25, 28, 31 and 34 stand rejected. Claims 21-24, 26, 27, 29, 30, 32, 33 and 35-54 were withdrawn from consideration for being directed to a non-elected invention.

Claims Rejections – 35 U.S.C. §102

Claims 19, 20, 25, 28, 31 and 34 were rejected under 35 U.S.C. §102(b) as being anticipated by **Atsuya et al.** (JP 2003-315493, hereinafter “**Atsuya**”). Claims 19 and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by **Asahi** (JP 61-40368, hereinafter “**Asahi**”). For the reasons set forth in detail below, these rejections are respectfully traversed.

The Examiner alleges that the subject matter of independent claim 19 of the present application is disclosed by **Atsuya** (JP 2003-315493) and **Asahi** (JP S61-40368). The following tables (Table 1 and Table 2) respectively show the relationship between elements recited in claim 19 and the disclosure of the **Atsuya** and **Asahi** references that the Examiner asserts corresponds to the elements in claim 19.

Table 1

Claim 19 of the present application	Disclosure of Atsuya (JP 2003-315493)
A cask buffer body comprising: a shock absorber	Fig. 1 of Atsuya
configured to be attached to a cask, wherein	not shown
the shock absorber absorbs a shock against the cask by being deformed,	Fig. 3 of Atsuya
and includes a space for adjusting a shock absorbing capability.	Reference numeral 25 of Atsuya

Table 2

Claim 19 of the present application	Disclosure of Asahi (JP S81-40368)
A cask buffer body comprising: a shock absorber	Fig. 6 of Asahi
configured to be attached to a cask, wherein	Reference numeral 1 (Fig. 6 of Asahi)
the shock absorber absorbs a shock against the cask by being deformed,	Fig. 4 of Asahi
and includes a space for adjusting a shock absorbing capability.	6a of Fig. 1 of Asahi 6b of Fig. 2 of Asahi 6c of Fig. 3 of Asahi

As will be discussed below, it is respectfully submitted that neither **Atsuya** nor **Asahi** disclose “the shock absorber...includes a space for adjusting a shock absorbing capability” as recited in claim 19.

The Examiner alleges the “space” of the claimed invention is disclosed by the reference numeral 25 of **Atsuya**. However, the reference numeral 25 of **Atsuya** is a laminated sheet, but is not a space. Even, if it is assumed that the Examiner actually meant reference numeral 52 instead of 25, the reference numeral 52 is a wood screw, but not a space. Further, **Atsuya** discloses a hole 65; however, the hole 65 is a through hole into which a fastening bolt 82 or the wood screw 52 are inserted. Therefore, the hole 65 is not provided for adjusting a shock absorbing capability of the laminated sheet 25.

As illustrated in FIGS. 1-3 of **Asahi**, **Asahi** discloses shock absorbing holes 6a, 6b, 6c; however, **Asahi** discloses a shock absorber for light objects in contrast to the heavy objects (a cask that stores a recycle fuel) of the present application. The material of the shock absorber of **Asahi** is synthetic resin and, unlike the material of the present application, the material of the shock absorber of **Asahi** is not wood.

A rejection under §102 requires that each and every element recited in the claim must be disclosed in the prior art reference, and must be arranged as in the claim. In view of the foregoing discussion, it is respectfully submitted that neither **Atsuya** nor **Asahi** disclose all elements recited in independent claim 19. Therefore, claim 19, and claims 20, 25, 28, 31 and 34 which depend from claim 19, patentably distinguish over the **Atsuya** and **Asahi** references. Accordingly, reconsideration and withdrawal of the rejections under §102 are respectfully requested.

Claim Rejection – 35 U.S.C. §103

Claims 25, 28, 31 and 34 were rejected under 35 U.S.C. §103(a) as being unpatentable over **Asahi** as applied to claim 19 above, and further in view of **Francois** (US 6,234,311).

Claims 25, 28, 31 and 34 depend either directly or indirectly from claim 19. The **Francois** reference does not alleviate, and was not asserted to alleviate, any of the above-noted deficiencies of **Asahi** regarding claim 19. Therefore, claims 25, 28, 31 and 34 patentably distinguish over the combination of **Asahi** and **Francois** for the same reasons set forth above with respect to claim 19 by virtue of their dependency thereon. Accordingly, reconsideration and withdrawal of the rejection under §103 are respectfully requested.

CONCLUSION

In view of the foregoing, it is submitted that all pending claims are in condition for allowance. A prompt and favorable reconsideration of the rejection and an indication of allowability of all pending claims are earnestly solicited.

If the Examiner believes that there are issues remaining to be resolved in this application, the Examiner is invited to contact the undersigned attorney at the telephone number indicated below to arrange for an interview to expedite and complete prosecution of this case.

Application No.: 10/569,226
Art Unit: 3657

Request for Reconsideration under 37 C.F.R. §1.111
Attorney Docket No.: 062165

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

/WILLIAM M. SCHERTLER/

William M. Schertler
Attorney for Applicants
Registration No. 35,348
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

WMS/ar